

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Elliott Company</b>	)	<b>CASE NO. 1:05 CV 1387</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	
	)	
<b>Liberty Mutual Insurance</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
<b>Company</b>	)	
	)	
<b>Defendant/Third</b>	)	
<b>Party Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	
	)	
<b>United Technologies Corporation, <i>et al.</i></b>	)	
	)	<b><u>Memorandum Opinion and Order</u></b>
<b>Third Party Defendants.</b>	)	

Plaintiff Elliott Company (“Elliott”) requests that the Court reconsider its Memorandum Opinion and Order (Doc. 102) denying Elliott’s Motion to Amend Complaint (Doc. 86). The Court declines to do so. First, the Court disagrees that it committed a clear error of law or that manifest injustice will occur as a result of the Court’s conclusion that Elliott failed to demonstrate good cause for failing to comply with the Court’s scheduling order. With respect to Elliott’s earlier arguments, repeated in its latest motion, the Court refers Elliott to its Memorandum Opinion and Order (Doc. 102). Second, Elliott now proffers a number of new

arguments that it did not address in its initial motion. However, “under Rule 59(e), parties cannot use a motion for reconsideration to raise new legal arguments that could have been raised before a [decision] was issued.” *Roger Miller Music, Inc. v. Sony/ATV Publ'g, LLC*, 477 F.3d 383, 395 (6th Cir. 2007). Accordingly, Elliott’s Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan

PATRICIA A. GAUGHAN  
United States District Judge

Dated: 6/29/07